

Department of Public Health  
and Human Services

Section:  
NONFINANCIAL REQUIREMENTS

FOOD STAMP PROGRAM

Subject:  
Citizenship

**Supersedes:** FS 301-1 (11/01/01)

**References:** 7 CFR 273.4; Jay Treaty of 1794; Food Stamp Act of 1977

**GENERAL RULE** -- All members of the assistance unit must be United States (U.S.) citizens, Nationals or **eligible** aliens.

A food stamp applicant must:

- ≥ 1. Be a U.S citizen, U.S. National or an eligible alien. **Verification of citizenship is only required if status is questionable.** Eligible alien status must be verified (FS 301-2); or,

**NOTE:** Expedited services cannot be delayed solely for verification of citizenship or eligible alien status.

2. Sign a declaration under penalty of perjury the applicant is a U.S. citizen or U.S. National. This declaration is included on the HCS-250, 'Application for Assistance'.

## **U.S. CITIZEN**

A U.S citizen is someone born in:

1. One of the 50 states;
2. The District of Columbia;
3. Puerto Rico;
4. Guam;
5. The Virgin Islands; or,
6. The Northern Mariana Islands.

**NOTE:** Individuals born in the United States are U.S. citizens including children whose parents are present in the U.S. illegally.

## **U.S. NATIONALS**

A U.S. National is someone born in:

1. American Samoa; or,

## 2. Swain's Island.

**NOTE:** There is no requirement U.S. Nationals register with the Immigration & Naturalization Service (INS) or carry any documentation.

### ≥CHILD CITIZENSHIP ACT OF 2000

Beginning February 27, 2001, the 'Child Citizenship Act of 2000' allows children who are born abroad including children adopted from a foreign country to acquire citizenship automatically. **All** of the following conditions must be met:

1. At least one parent of the child is a U.S. citizen by birth or naturalization; and,
2. The child is under the age of 18 years; and,
3. The child is a lawful and permanent resident residing in the legal and physical custody of the U.S. citizen parent; and,
4. The adoption is final, if the child is adopted.

A child acquires citizenship automatically on the date the child meets all of the above requirements.

### NATURALIZATION

People who are not U.S. citizens by birth may acquire citizenship by naturalization. Aliens do not become citizens simply by marrying a U.S. citizen but spouses can apply for naturalization and, if eligible, become citizens through the court.

In some instances, alien children become U.S. citizens when a parent is naturalized. These children might have their own separate naturalization records or papers. If so, their citizenship can be verified the same as an adult; if not, the situation is referred through the INS status verifier.

**NOTE:** These children may qualify through the 'Child Citizen Act of 2000' (see page 2).

Citizenship acquired by naturalization can be verified in the county where naturalization occurred. Each county Clerk of Court has an index of all individuals naturalized in the county. If the person's record cannot be located or the county of naturalization is not known, verification can be obtained from INS who maintains an index of all naturalized individuals.

### DERIVATIVE CITIZENSHIP

Children can derive citizenship from their parent(s). For example, a child born abroad to a U.S. citizen might acquire foreign citizenship depending on the laws of that country, but the child might also claim U.S. citizenship.

Refer the individual to INS to complete the necessary paperwork and provide status verification.

**NOTE:** These children may qualify through the 'Child Citizen Act of 2000' (see page 2).

#### **PERSON BORN ABROAD**

There are many legal considerations in determining the citizenship of a person born abroad. In the absence of verification, these situations are referred for determination through the INS status verifier.

**NOTE:** These individuals may qualify through the 'Child Citizen Act of 2000' (see page 2).

#### **FOREIGN ADOPTION BY U.S. CITIZEN**

Since foreign-born adopted children do not acquire U.S. citizenship by virtue of adoption by U.S. citizens, determine if the child has been granted U.S. citizenship by application to INS.

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**NOTE:** These individuals may qualify through the 'Child Citizen Act of 2000' (see page 2).

If the birth certificate shows a foreign place of birth and the individual cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship.

#### **VERIFICATION**

All assistance unit members must be a U.S. citizen, a U.S. National or eligible alien (FS 301-2) to receive benefits. Any of the following documents can be used to verify U.S. citizenship or U.S. National status:

1. Birth certificate;
2. U.S. passport;
3. Report of Birth Abroad of a Citizen of the U.S.;
4. Religious record;
5. Voter registration card;
6. Certificate of citizenship or naturalization provided by INS, such as identification cards for the use of resident citizens in the U.S. (INS Form I-179 or INS Form I-197);
7. Participation in another program if verification of citizenship or non-citizen national status was obtained for the program; or,

8. If the household cannot obtain a form of verification listed above and the household can provide a reasonable explanation as to why verification is not available, the OPA Case Manager must accept a signed statement by an individual who is a U.S. citizen, under penalty of perjury, indicating a reasonable basis for knowledge the individual in question is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud.

**TEAMS CODES**

U.S. citizens, U.S. Nationals and aliens must be coded on the TEAMS Residency and Citizenship (RECI) screen in the CIT field as:

1. 'EA' (Eligible Alien);
2. 'RF' (Refugee);
3. 'IA' (Ineligible Alien); or,
4. 'US' (U.S. citizen or National).

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